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PATENT  
ATTORNEY DOCKET: 46970-5112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Masanori NAKAHARA et al. ) Confirmation No.: 1384  
Application No.: 09/891,470 ) Group Art Unit: 2616  
Filed: June 27, 2001 ) Examiner: James A. Fletcher  
For: INFORMATION RECORDING )  
APPARATUS AND INFORMATION )  
RECORDING METHOD, AND )  
INFORMATION RECORDING )  
MEDIUM )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated August 10, 2005.
2. Additional papers enclosed:

Drawings: \_\_\_\_\_ sheets with \_\_\_\_\_ figures  
 Information Disclosure Statement  
 Form PTO-1449  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

02/13/2006 HALI11 00000132 09891470

01 FC:1253 1020.00 DP

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$1020.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	40	minus	26	14	x \$50 each =	+ \$700.00
Independent Claims (37 C.F.R. §1.16(b))	16	minus	9	7	x \$200 each =	+ \$1400.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$2,100.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$2,100.00

6. Fee Payment

- No fee is to be paid at this time.
- Enclosed is a check in the amount of \$3,120.00, representing \$1,020.00 for the three-month extension of time fee and \$2,100.00 for the additional claims fee.
- The Commissioner is hereby authorized to charge \_\_\_\_\_ to Deposit Account No. 50-0573 for the \_\_\_\_\_ fee.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**



By:  
Paul A. Fournier  
Registration No. 41,023

Dated: February 10, 2006

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